

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, et al.,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01364 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL WITHOUT
PREJUDICE AS TO DEFENDANT UNICREDIT BANK AUSTRIA AG**

Irving H. Picard (the “Trustee”) as trustee for the liquidation of the business of Bernard L Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the substantively consolidated estate of Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, and defendant UniCredit

Bank Austria AG (“Bank Austria”), by and through its counsel, Sullivan & Worcester LLP, hereby stipulate and agree to the following:

1. On December 5, 2010, the Trustee filed the Amended Complaint against, *inter alia*, Bank Austria.

2. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(A)(ii) and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Bank Austria in the above-captioned adversary proceeding.

Dated: July 21, 2015
New York, New York

<p><u>s/ Oren J. Warshavsky</u> Baker & Hostetler LLP 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200 Facsimile: (212) 589-4201 Oren Warshavsky Email: owarshavsky@bakerlaw.com Gonzalo Zeballos Email: gzeballos@bakerlaw.com Geoffrey A. North Email: gnorth@bakerlaw.com</p>	<p><u>s/ Franklin B. Velie</u> Sullivan & Worcester LLP 1633 Broadway New York, New York 10019 Telephone: (212) 660-3042 Facsimile: (212) 660-3001 Franklin B. Velie Email: fvelie@sandw.com Jonathan G. Kortmanský Email: jkortmanský@sandw.com Mitchell C. Stein Email: mstein@sandw.com</p>
<p><i>Attorneys for Plaintiff Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff</i></p>	<p><i>Attorneys for Defendant UniCredit Bank Austria AG</i></p>

SO ORDERED

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

Dated: July 21st, 2015
New York, New York